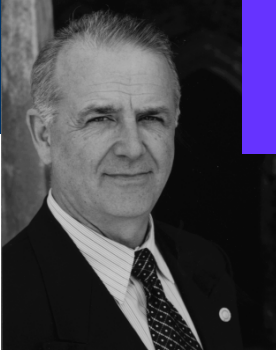


New Years
Day, 2005

SPECIAL VERDICT



David Hicks APLC (510) 595 2000

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Articles:

- Life Goes On,
Light Humor &
Those Tips Again

- ✓ Pit Bulls Bully
Pulpit
- ✓ Ship of State

Life Goes On

How many was that, again? It's true that this year we celebrate my 33rd year as a trial lawyer. My first job, as a California Deputy Attorney General, paid \$989 a month, gas was 40 cents a gallon, and you could build a custom home on a quarter acre for \$40,000. *The Sting* was best picture. Willie Mays retired the next year, and now he doesn't seem like he was all that old. Today I feel little changed since I was 30 but I look at life much differently. If the floors creak under me, it's the Tango, not my knees. I won my final basketball trophy (4 on 4 full court no

subs!). Ouch—no more. I'll stick with Argentine Tango from now on. If you catch me smiling, it's true love for my Nicole and my daughter and her daughter. Yep, I finally achieved grandfather status, and like most of the important things we accomplish in life, it wasn't all my own doing. I'm grateful for having the best friends on the planet. Life is good down home. I hope you enjoy this newsletter, as it is sent with love, trust, a willing ear and kindest regards,

David Hicks

Humor, Homes & Help

Have you heard the one where the lawyer who, having been fined fifty dollars for contempt of court, replies "It is an honest debt, Your Honor, and I shall gladly pay it." Another version: The judge asks "Counsel are you trying to show contempt?" "No, I'm trying to hide it," comes the answer.

In reality though, decades of good experiences with judges teach us that we find what we are looking for in others. None of us is perfect, we lawyers and judges, but lawyers and judges and even the sacred institution of the jury are daily tarnished wrongly, even though we can joke about it. So here's a jury joke, too:

Judge: "Ladies and gentlemen of the jury have you reached your verdict?"

Jury: "We have, Your Honor. We find the defendant innocent by reason of insanity."

Judge: "What? All twelve of you?"

LAW SCHOOL IS IN SESSION:

They've now ruled that if your house (or deck) is collapsing it has not collapsed. In other words there is no insurance under State Farm Policies for collapse until the collapse actually has occurred, no matter how imminent.

What's "Tort Reform"? The Government takes David's sling away and gives it to Goliath. You're not Goliath.

THREE TIPS

Here's how to save time with just a quick call, a wastebasket and a letter. To reduce national advertising at home, send your name and address to **Mail Preference Service**, at Direct Marketing Association, P. O. Box 9008, Farmingdale, New York 11735-9008. To put your phone on the **National Do Not Call List**, call 888-382-1222 from the line you want blocked and follow the instructions. To save time with mail, don't bother to open mail without at least **37¢** in postage on it.



Pitbull's Bully Pulpit

Why is it that everyone wants a lawyer who throws hard, hits hard and scores? Because lawyers don't get hired when everything is rosy, and because coming in second isn't good enough when you are trying to save the farm.

Insurance companies propagandize you with something they call Tort Reform. Limits on damages, attacks on juries and infringement of your legal rights are being funded by those who do wrong and want a free pass. The dirty-handed want lawyers' hands tied; they want you fearful and kept in the dark by secret settlements, and poison pills to be swallowed obligingly; and they prefer if you just focus on irrelevant television "reality shows."

Lawyers have a higher duty: to truth, justice, the judicial system, your rights under the Constitution to fair proceedings with adequate notice, and to jury trials by your peers. Many judges express this same point: Twelve jurors' collective wisdom is superior to the opinion of any one person.

How to pick a good lawyer? Not the last one you spoke to at the neighborhood barbecue. Not the kid, wet behind the ears, promising more than he can deliver, and not the one who only cares about money changing hands.

Good lawyers are honest and frank, so that judges will believe them. Their reputations for reliability are hard-won over years. Good lawyers regularly study daily changing law. Good lawyers are polite and avoid offending the judge. They make friends with lawyers that they have honorably slugged it out with in Court. You see them at community service activities and charitable events. Understand, please, that it's a profession not a business.

Tsunami Thoughts

Here are some websites. Just copy them to your search line if you want to peek. www.verdant.net, where you learn that consumerism is a pattern of behavior that helps destroy the environment; www.globalissues.org/TradeRelated/Consumption.asp, has links to the United Nations report explaining about how the top 20% consume the bulk of the worlds' goods—now needed in the tsunami aftermath; www.westland.net/venice/art/cronk/consumer.htm. The public fetishistically substitutes consumer ideals for the lost acculturating experiences of art, religion and family. The consumer sublimates the desire for cultural fulfillment to the rewards of buying and owning.

Are we obsessed with having stuff we can't take with us? The tsunami deaths are a small fraction of those completely without what they need to avoid illness, feed their children, come in out of the rain, and have a daily drink of clean water.

Alchemy: How to turn your excess stuff into drinking water in post-tsunami Indonesia and get a tax deduction? Hold a garage sale and sell the clutter you haven't used for a year or more, and send the money to the American Red Cross Bay Area 85 Second Street, 8th Floor, San Francisco, CA 94105.

They're Their Own Problem? If we could look at our problems from across the Universe, they would be an invisible nothing, indiscernible. From quite nearby in the Universe, we are just a pixel on a pale blue dot. So why have we humans become so darned self-important? Why so angry? Why so mean? And why is the richest nation in earth's history, unable to feed and house itself? The right question would help us admit that as a nation we have a tendency to want to take damned good care of a few of "us", and let the rest get the nothing they've earned and deserve. Get a great new perspective by reading 2004's

Best Book Explaining Politics: New York Times Bestseller, George Lakof's "don't think about an elephant!" If you care about politics you've got to get this book, only \$7.50 on Amazon.Com.

& what do we do?

The track record of our firm over the past three decades is one reason David Hicks APLC counts lawyers and judges among his clients. David has been listed in Preeminent Lawyers in America and holds the highest rating a lawyer may obtain.

Advising: David enjoys serving our business clients in the role of general counsel, advising on all problems faced by businesses in today's highly regulated environment. Preventive Dentistry is a concept that applies to legal matters. Our goal is to eliminate your legal problems at the earliest opportunity. If you must go to court, and you already bet the farm, we think you will find what you need with our firm. Clients tell us our frankness and candor are refreshing.

Advocacy: We represent businesses against misguided government officials, insurers who refuse their obligation to pay claims, and other wrongdoers.

Providing: Contract negotiation and enforcement, foreign and domestic; product development, protection, registration & licensing; compliance with governmental regulation and related hearings; employment taxation. Our trial work experience includes contract, insurance, complex business torts such as breach of fiduciary duties; fraud; racketeering; bad faith; unfair competition, trade secrets, defamation, trade libel, labor and employment--virtually all complex civil litigation arising in the business context. We also offer substantial experience in dispute mediation and resolution.

David Hicks has served as a Judge pro tem since 1979 in and for the Superior Courts of California (in 4 Counties), as a binding arbitrator for the Federal court, as an adjunct professor of law, and has been a guest lecturer at U.C. Davis and U.C. Berkeley.



"O Ship of State" by Longfellow:

*Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee.
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee, - are all with Thee!*

**WHEN YOU WANT TO
BRING OVER THREE
DECADES OF LEGAL
EXPERIENCE TO BEAR
ON SOLVING YOUR
LEGAL PROBLEMS,
CALL US.**

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We're on the Web!

See us at:

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We didn't stand still this year. Although we lost Shane Tackett, our Cal Phi Beta Kappa assistant to a scholarship to the program in International Law at

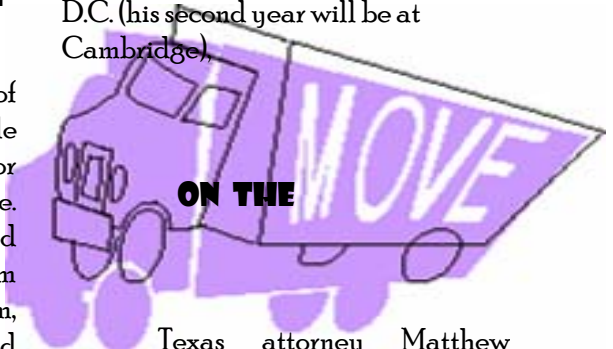
"I can't really afford a lawyer, so I'm going to do my own contract."

Every business involves some form of legal agreement, whether it be as simple as an invoice form or purchase order, or as complex as a 50-page property lease. Sometimes you draft them to be signed by others, sometimes others draft them for your signature. Every one of them, without exception, should be reviewed by an attorney before you use or sign them. An ounce of prevention....

Let's face it. Few people truly enjoy dealing with attorneys, and nobody likes to pay legal fees. Yet unlike you, attorneys live with contracts every day of their working lives, studying the daily changes the law brings. We'd like to share with you the fruits of our 33 years of daily attending to the learning of the law.



American University in Washington D.C. (his second year will be at Cambridge).



Texas attorney Matthew Crider came aboard, passed the Bar Exam and joined the ranks of California Lawyers in short order. Matt is a gifted person of great integrity and spiritual depth.

David Hicks attended Gerry Spence's Trial Lawyers College in Washington, successfully represented Johnny Cochran's Law Firm in the Federal Court in Los Angeles, and was appointed to the Alameda County short list of Special Masters and Receivers.

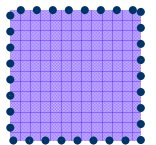
We make a living by what we get.

We make a life by what we give.

Thanks for the read,

David, Nicole, Matt, Tricia & Rocky

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TO: